Remarks

Claims 1, 5, 8, 16, 20 and 31 have been amended. Claims 2, 4, 6, 7, 13-15, 17, 19, 21, 22 and 28-30 have been canceled and claims 32-34 have been added. Enclosed herewith is Credit Card Payment Form PTO-2038 in the amount of $84.00 in payment of the fee for the added claims. Please charge any other fees for entry of this Amendment to our Deposit Account No. 18-1644.

The Examiner has rejected applicants' claims 1-14, 16-29 and 30 under 35 U.S.C. §102(e) as being anticipated by the Lipson et al. (U.S. 6,463,426) patent. The Examiner has further rejected applicants' claims 15 and 30 under 35 U.S.C. §103(a) as being unpatentable over the Lipson, et al. patent. With respect to applicant's claims, as amended, these rejections are respectfully traversed.

Applicants' independent claims have been amended to better define applicants' invention. More particularly, applicants' independent method claim 1 now recites an image search method of searching for a desired image from a plurality of images stored in storage means in which a designation step designates an arbitral region in an image. A setting step sets a weight value in units of segmented regions obtained by segmenting the image into a plurality of segmented regions, based on a size of the designated arbitral region included in the segmented region. A first calculation step divides a designated search source image and each of the plurality of images stored in the storage means into the plurality of segmented regions, and performs similarity calculation in units of the segmented regions to obtain similarity for each of the segmented regions between the designated search source image and each of the plurality of images stored in the storage means. A second calculation step calculates image similarity between a designated search source image and each of the plurality

9

of images on the basis of the similarity for each of the segmented regions calculated in the first calculation step and the weight value set in the setting step. An acquisition step then acquires an image as a search result from the plurality of images on the basis of the image similarity calculated in the second calculation step.

Applicants' independent apparatus and storage medium claims 16 and 31 have been amended similarly to applicants' amended method claim 1. In these claims, as can be seen from the summary of amended claim 1 above, a weight value is set for each of the segmented regions based on the size of an the arbitrarily set region included in the segmented region. The weight value is then used in calculating the image similarity. This construction of applicants' invention is described on page 20, line 10, through page 21, line 7, of applicants' specification, and is illustrated in the flow chart in FIG. 11 of applicants' drawings. Such a construction is not taught or suggested by the cited art of record.

More particularly, the Lipson, et al. patent discloses an information search and retrieval system which uses a matching process which is based on the difference in the properties of a primary image region and a corresponding target image region. The patent also discloses the use in the matching process of neighboring regions of the primary and target regions and further teaches giving less weight to the calculations for neighboring regions which are a greater distance from the primary region (see, column 11, line 1, through column 12, line 19, of the Lipson, et al. patent). The patent also mentions other parameters, e.g., luminance, used for weighting (see, column 13, lines 54-62 of the Lipson, et al. patent). The patent additionally teaches weighing different portions of an image differently based on importance (see, column 20, lines 46-59, of the Lipson, et al. patent).
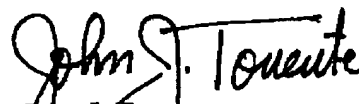
10

However, it is not believed that the above-cited portions of the Lipson, et al. patent or any other portions of the patent teach or suggest setting a weight value for each of segmented regions of an image based on the <u>size of an the arbitrarily set region included in the segmented region</u>. Thus, applicants' amended independent claims 1, 16 and 31, and their respective dependent claims, in reciting "setting . . . . a weight value in units of segmented regions obtained by segmenting the image into a plurality of segmented regions, based on a size of the designated arbitral region included in the segmented region", in combination with the other features of the claims, patentably distinguish over the Lipson, et al. patent. Applicants' added independent claim 34 recites features like those recited in independent claims 1, 16 and 31. Claim 34 is thus also believed to patentably distinguish over the Lipson, et al. patent.

In view of the above, it is submitted that applicants' claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: January 22, 2004   Respectfully submitted,

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11